

Assembly Concurrent Resolution No. 42

Adopted in Assembly July 6, 2009

Chief Clerk of the Assembly

Adopted in Senate July 9, 2009

Secretary of the Senate

This resolution was received by the Secretary of State this
_____ day of _____, 2009, at _____
o'clock ____M.

Deputy Secretary of State

RESOLUTION CHAPTER _____

Assembly Concurrent Resolution No. 42—Relative to Chinese Americans in California.

LEGISLATIVE COUNSEL'S DIGEST

ACR 42, Fong. Chinese Americans in California.

This measure would acknowledge the history of the Chinese in California, recognize the contributions made to the State of California by Chinese Americans and Chinese immigrants, and express regret for past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California.

WHEREAS, The California gold rush triggered one of the largest mass migrations in world history and captured global imagination as the destination for wealth and opportunity. That global migration made California one of the world's most diverse states which would serve as the foundation for its economic, academic, and cultural growth in the 20th century; and

WHEREAS, The California gold rush paved the way in funding and manpower for the creation and building of the western leg of the transcontinental railroad. The transcontinental railroad was considered the greatest American technological feat of the 19th century, was a dream of Abraham Lincoln's, and was what many considered the most important aspect in strengthening the position of the United States in the international spotlight. The track served as a vital link for trade, commerce, and travel by joining east and west, further transforming the population and economy of California; and

WHEREAS, The Central Pacific portion of the transcontinental railroad recruited the Chinese in America and later tens of thousands of Chinese immigrants as a source of labor. Chinese in America and Chinese immigrants were paid less than their white counterparts and slept in tents while white laborers were provided both food and shelter. The Chinese laborers worked under grueling and treacherous conditions in order to lay thousands of miles of track. On May 10, 1868, alone, Chinese workers laid 10 miles of

track in less than 12 hours in order to complete the last leg of the railroad. Without the tremendous efforts and contributions of the Chinese in building the transcontinental railroad, the development and progress of our nation and California would have been delayed by years; and

WHEREAS, Once the transcontinental railroad was complete, Chinese in California transitioned to other types of employment, making considerable contributions to the progress and growth of our state. Chinese in California built ships for fishing along our coast and developed the abalone and shrimp industries. In the Delta and the central valley, the Chinese in California helped to recover the tule swamps, to build irrigation systems, and to harvest various fruits and vegetables for California's agriculture industry; and

WHEREAS, The Legislature enacted discriminatory laws targeting Chinese in America and Chinese immigrants in order to discourage further immigration from China and sought to severely limit the success of the Chinese laborers already here; and

WHEREAS, Among other things, these laws denied the Chinese in California the right to own land or property, the right to vote, and the right to marry a white person, denied children of Chinese descent access to public schools, denied Chinese immigrants the right to bear arms, unfairly targeted women of Chinese descent by imposing special requirements in order for them to be allowed to immigrate into the state, authorized the removal of Chinese immigrants to outside town and city limits, denied Chinese laborers employment in public works projects and through state agencies, prohibited the issuance of licenses to Chinese in California, denied Chinese in California the right to fish in California's waters, and unduly taxed Chinese businesses and individuals who employed Chinese laborers; and

WHEREAS, Chinese in California were denied the right to testify as a witness in any action or proceeding in which a white person was a party, pursuant to a state law which was upheld in *People v. Hall* (1854) 4 Cal. 399. As a result of the decision to place Chinese in California outside of the protection of the law, many Chinese in California were left extremely vulnerable to violence and abuse; and

WHEREAS, Chinese in California faced further discrimination under local ordinances which targeted traditional Chinese culture and customs. Laws were enacted forcing Chinese men in San

Francisco to cut off their traditional queues, banning the Chinese traditional style of transporting fruits and vegetables, unjustly raising taxes on Chinese-owned laundromats, targeting the Chinese custom of disinterring the remains of their deceased to send back to China for proper burial, and forcing the Chinese in San Francisco to live within an area that was considered unsanitary and unsafe to ordinary individuals. These laws were enacted in order to impose shame and humiliation on Chinese Americans and Chinese immigrants; and

WHEREAS, California lobbied Congress for years to strictly prohibit immigration from China, and in 1882, was successful in convincing Congress to enact the Chinese Exclusion Act, the first federal law ever passed excluding a group of immigrants solely on the basis of race or nationality. The Chinese Exclusion Act set the precedent for racist foreign and national policy that led to broader exclusion laws and fostered an environment of racism that quickly led to the Jim Crow laws of the 1880s and further segregation legislation that would tear our nation apart through most of the 20th century; and

WHEREAS, Paradoxically, the very same year that the Chinese Exclusion Act was passed, financing abroad was completed for the Statue of Liberty. The Statue of Liberty is a sign of freedom and democracy and was built and presented to the United States at the same time that Chinese Americans and Chinese immigrants were being denied freedom and democracy. The Statue of Liberty is our nation's great symbol of hope and justice for all who live, and all who wish to live, in the United States of America. While the Statue of Liberty was being built, legislators were contradicting those very ideals by discriminating against Chinese immigrants and lobbying Congress to do the same; and

WHEREAS, The Chinese Exclusion Act, which originally expired in 1892, was extended by Congress for 10 years in the form of the Geary Act and made permanent in 1902. It remained in effect until it was repealed in 1943 as a result of the alliance forged between China and the United States during World War II. The Chinese were once again allowed to immigrate to the United States, and shortly thereafter California's Angel Island ceased to be used as a detainment center for Chinese immigrants; and

WHEREAS, Former Article XIX of the California Constitution, which was adopted in 1879 and unfairly targeted and discriminated

against Chinese living in California, remained in effect for 73 years until it was repealed in 1952; and

WHEREAS, Despite decades of systematic, pervasive, and sustained discrimination, Chinese living in California persevered and went on to make significant contributions to the growth and success of our state; and

WHEREAS, Today, Californians of Chinese descent occupy leading roles in politics, business, and academia. Currently there are 10 Chinese Americans serving in California's constitutional and statewide offices. Jerry Yang, former CEO of Yahoo! Inc., is a California resident. University of California, San Diego, Professor Roger Y. Tsien was awarded the 2008 Nobel Prize in chemistry for his discovery and development of the green fluorescent protein. And this year, California resident Steven Chu, former President of California's Lawrence Livermore National Laboratory and a Nobel Prize winner in Physics, was appointed by President Obama and sworn in as the Secretary of Energy. The contributions of Chinese Americans to the State of California are vast and irreplaceable. They have played a central role in turning California's university system, technology industry, businesses, and agriculture into a world power; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That diversity is one of our state's greatest strengths, enabling California to thrive economically, agriculturally, technologically, academically, and politically at an international level. Our great state has relied on immigrants of all backgrounds to build our infrastructure, and integrating them into our society not only helps them prosper, but helps California prosper as well; and be it further

Resolved, That while this nation was founded on the principle that all men are created equal, and while we pay tribute to the great American creed "give me your tired, your poor, your huddled masses yearning to breathe free" which stands at the base of America's Statue of Liberty, a symbol of hope for all who live, and all who wish to live, in the United States of America, we recognize that the practices of our state and its government have not always honored that promise. Ours is a state with an imperfect history where intolerance spurred the enactment of unjust discriminatory laws that have too often denied minority groups access to the promise of America, that all men are created equal.

Today that struggle continues, and learning from our past will help enable us to travel further down the path toward building a more perfect Union; and be it further

Resolved, That the Legislature deeply regrets the enactment of past discriminatory laws and constitutional provisions which resulted in the persecution of Chinese living in California, which forced them to live in fear of unjust prosecutions on baseless charges, and which unfairly prevented them from earning a living. The Legislature regrets these acts and reaffirms its commitment to preserving the rights of all people and celebrating the contributions that all immigrants have made to this state and nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

Attest:

Secretary of State